

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Preliminarily, Applicants would like to thank the Examiner for noting the typographical error within paragraph [0010] of the specification for which Applicants have amended the specification accordingly.

Claims 1-6 are pending. Claims 7-9 have been cancelled. Claims 10-15 have been added. Support for the amendments may be found throughout the specification. No new matter has been added. Upon entry of the above amendments, claims 1-6 and 10-15 will be pending.

Claims 1-6 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,646,068 and claims 1-19 of U.S. Patent No. 6,713,584. With respect to the nonstatutory obviousness-type double patenting rejection, Applicants will address this rejection upon the indication of allowable subject matter.

Claims 1-6 stand rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. With respect to this rejection under 35 U.S.C. §112, Applicants submit that the claims are enabled. Specifically, Example 53 describes 43 % w/w of polyfunctional monomer. Note that it is possible and within the scope of the invention for a polyfunctional monomer to be an oligomer (see paragraph [0043] of the specification wherein it states "The polymerizations were carried out using...acrylate-functionalised oligomers as PFM of different types in varying quantities."). Additionally, it is straightforward for one of ordinary skill to make and use the invention for higher molecular weight oligomers when the polyfunctional monomer is up to 100% w/w based on the weight of the monofunctional monomer without detriment to the production of a soluble branched polymer. For at least these reasons, Applicants submit the specification enables any person skilled in the art to make and use the invention commensurate in scope with these claims. Thus, Applicant submits that the claims are in full compliance with 35 U.S.C. §112, first paragraph, enablement.

Claims 2, 3, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,043,404 to Mahabadi *et al.* Claims 1-6 stand rejected under 35

U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over the 5,043,404 patent to Mahabadi *et al.*

With respect to the rejections under 35 U.S.C. §102(b) citing Mahabadi *et al.*, Applicants submit that Mahabadi *et al.* discloses a two mixing-step method to reach the claimed conversion amount. Specifically, the first mixture of Mahabadi is not reacted to form a polymer such that the conversion of monomer to polymer is greater than 90%. Instead, the reaction gives much lower conversion before being remixed and then further reacted. Claims 1-6 of the present invention, however, recite "mixing together...and thereafter reacting said mixture to form said polymer, such that the conversion of monomer to polymer is greater than 90%..." Accordingly, Applicants submit that Mahabadi *et al.* fails to disclose each and every element of the claimed invention.

With respect to the rejection under 35 U.S.C. §103(a), Applicants submit that Mahabadi *et al.* does not suggest the present invention for at least the same reasons noted above.

Therefore, all rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,  
JONES DAY

By: 

Ted J. Ebersole, Ph.D.  
Registration No. 51,641

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 879-5481

PLS/TJE  
Intellectual Property Group  
51 Louisiana Avenue, NW  
Washington, D.C. 20001  
(202) 879-3939 Telephone  
(202) 626-1700 Facsimile  
Date: October 27, 2006  
Attachments: Change of Correspondence Address